

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

MARCUS D. WOODSON,)	
)	
Plaintiff,)	
)	
v.)	Case No. CIV-11-1349-D
)	
WILLIAM BARLOW, <i>et al.</i> ,)	
)	
Defendants.)	

ORDER TRANSFERRING CASE

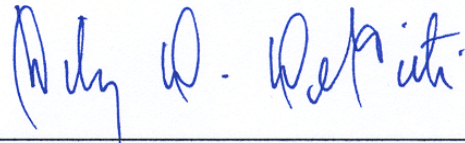
This matter is before the Court for review of the Second Supplemental Report and Recommendation issued by United States Magistrate Judge Gary M. Purcell on May 10, 2012 [Doc. No. 32]. Judge Purcell finds that venue is improper in this district, and recommends a ruling on Defendants' Motion to Dismiss and/or Transfer [Doc. No. 25] that would result in a transfer of the case to a judicial district where it could have been brought.

No party has filed a timely objection to the Report or requested additional time to object. The Court therefore finds the parties have waived further review of the issues addressed in the Report. *See Moore v. United States*, 950 F.2d 656, 659 (10th Cir. 1991); *see also United States v. 2121 East 30th Street*, 73 F.3d 1057, 1060 (10th Cir. 1996). Further, the Court finds Judge Purcell's analysis to be correct. The Court concurs in the recommendation to transfer the case pursuant to 28 U.S.C. § 1406(a), rather than dismissing it, and to deny a dismissal for insufficient service of process without prejudice to a renewed motion in the proper forum.

IT IS THEREFORE ORDERED that the Second Supplemental Report and Recommendation [Doc. No. 32] is ADOPTED in its entirety. Defendants' Motion to Dismiss and/or Transfer [Doc.

No. 25] is GRANTED in part and DENIED in part, as set forth herein. The case is transferred to the United States District Court for the Eastern District of Oklahoma.

IT IS SO ORDERED this 8th day of June, 2012.



TIMOTHY D. DEGIUSTI
UNITED STATES DISTRICT JUDGE